



PROGRESS REPORT NO. 27

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(R10) - via Email
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DATE: October 24, 2008

FILE NO: 1-773180-000

RE: Upper Columbia River (UCR) Remedial Investigation/Feasibility Study
(RI/FS) - Progress Report No. 27 Months Ending August/September 2008

Pursuant to Paragraph 39 of the June 2, 2006 Settlement Agreement (Agreement), the following is intended to provide a summary of the activities completed during the past month in compliance with the aforementioned Agreement. It is also intended to provide a brief summary of pending and on-going activities.

TAI continues to work with the Confederated Tribes of the Colville Reservation (CCT) in finalizing a temporary site access agreement with the goal of being able to facilitate and expedite sampling. However, this process has not been successful¹ since drafting the document in April 2008². TAI will continue work with EPA and the Spokane Tribe of Indians (STI) in obtaining the necessary ground disturbance permit(s) as this is linked to the review of the Cultural Resource Coordination Plan(s). TAI has received a cost estimate from the U.S. Department of Interior (DOI) for the processing of the Special Use Permit application (i.e., form 10-930)³. However, there are items contained within the

¹ CCT representatives have noted that there is no rush in finalizing the site access agreement; as the RI/FS work plan has not been approved.

² In anticipation of potentially collecting surface water samples in the fall 2008, TCAI has completed the "Research Permit Application" for the CCT which, upon finalizing and signing the temporary site access agreement can be immediately submitted for processing.

³ In anticipation of potentially collecting surface water samples in the fall 2008, TCAI has completed the "Application for Special Use Permit"; and will be submitted upon agreeing on the appropriate level of funding.

estimate that TAI and DOI are working on to resolve. Examples of the items that require further discussion and resolution are the assumptions employed⁴ in determining the cost estimate, and the fact that the total estimated costs do not mathematically add-up.

A summary of activities (e.g., deliverables) completed to date, and those anticipated within in the near future, are presented within Table 1 below.

Table 1. Upper Columbia River Remedial Investigation/Feasibility Study Summary of On-Going and Planned Activities

Task No.	Task Description	Status	Issues	Estimated Completion Date ¹
1.	2005 Field Data Transfer	Complete	None to report at this time	<u>July 31, 2006</u>
2.	Technical Memorandum ^{2.}	Complete	None to report at this time	<u>October 27, 2006</u>
3.	Draft RI/FS Work Plan	Draft submitted	None to report at this time	<u>December 28, 2006</u>
4.	Sampling and Analysis Plan (SAP) ^{3.}	Draft submitted	None to report at this time	<u>February 26, 2007</u>
5.	Health and Safety Plan	Complete	None to report at this time EPA does not approve Health and Safety Plans	<u>February 26, 2007</u>
6.	Cultural Resources Coordination Plan ^{4.}	Draft submitted	None to report at this time	<u>February 26, 2007</u>
7.	Revised RMAO Memorandum ^{5.}	Complete	None to report at this time	<u>March 11, 2007</u>
8.	Additional Trail Data	Complete	None to report at this time	<u>May 6, 2007</u> ^{6.}
9.	April Workshop Summary	Complete	None to report at this time	<u>July 12, 2007</u>
10.	Revised RI/FS Work Plan ^{7.}	Draft submitted	None to report at this time	<u>September 21, 2007</u>
11.	Screening Level ERA	Interim Draft submitted ^{8.}	None to report at this time	<u>March 11, 2008</u>
12.	White Sturgeon Surface Water Toxicity SAP ^{9.}	Draft Submitted	None to report at this time	<u>May 26, 2008</u>
13.	Surface Water SAP	Draft submitted ^{10.}	None to report at this time	<u>July 18, 2008</u>
14.	Fish Tissue SAP	Draft submitted ¹⁰	None to report at this time	<u>July 18, 2008</u>
15.	Phase 2 Beach SAP	Draft submitted	None to report at this time	<u>August 1, 2008</u>

Notes: 1. Dates that have been underlined represent the actual day that the respective deliverable

⁴ As communicated to TAI on September 29, 2008 DOI is not prepared to list in writing the assumptions employed in the cost estimate at this time. Nevertheless based on these telephone discussions, TAI understands that DOI has incorporated costs for reviewing documents such as the cultural resource coordination plans. TAI believes that review of documents is to be completed under funds paid annually to DOI as outlined within the June 2, 2006 Settlement Agreement; and not the access agreement. DOI does not agree with this interpretation. TAI may need to request EPA for their help in resolving this issue.

was submitted to EPA as per Paragraph 80 of the Agreement.

2. As outlined within the Agreement, the technical memorandum outlines and described the Risk-Based Remedial Objectives for the Ecological Risk Assessment. Remedial objectives for the protection of human health will be prepared by EPA and submitted under separate cover at a later date.

3. The *2007 Sediment Investigation of Beaches and Depositional Areas* sampling and analysis plan submitted under Paragraph 13 of the Agreement was disapproved in a letter dated June 20, 2008 (received on June 24, 2008) with revisions due no later than August 25, 2008.

4. Further to EPA's September 19, 2007 letter informing TCAI that the February 2007 cultural resource coordination plan (the plan) would require revisions. EPA disapproved the plan and in a letter dated July 3, 2008 (received on July 7, 2008), requested that a revised plan be submitted with each quality assurance project plan. A revised plan was submitted with the 2008/2009 Surface Water Study (Item No. 13), the 2008 Fish Tissue Study (Item No. 14), and the 2008/2009 Beach Sediment Study (Item No. 15).

5. The draft technical memorandum on risk-based management action objectives (RMAOs) was revised per EPA's January 16, 2007 comments.

6. Following a request outlined by EPA in a letter dated February 1, 2007 (received on February 5, 2007) TCAI has compiled additional information on the Trail Facility so as to assist in the identification of chemicals of concern (COIs) as outlined within Paragraph 24 of the Agreement. An electronic version of the deliverable was forwarded to EPA on May 6, 2007 with hard copies delivered shortly thereafter. In addition, a second deliverable identified as "*Business Confidential*" information was submitted to EPA legal counsel under separate cover on May 7, 2007 by Pillsbury Winthrop Shaw Pittman (i.e., TCAI legal counsel) on behalf of TCAI.

7. An electronic copy of the draft RI/FS work plan has been provided to facilitate modifications of the document by EPA. It is anticipated that both EPA and TCAI will be in a position to finalize this document in the near future.

8. The draft document submitted in March 2008 was mutually agreed to be an interim draft technical document.

9. As noted during the March 2008 technical workshop, the draft SAP is for work being conducted in Canada and will be provided to EPA for informational purposes. Results of the study will be treated in a similar matter as other peer reviewed papers.

10 A draft 2008 Plankton Study was appended to the draft study plan.

11 ERA = Ecological Risk Assessment
SAP = Sampling & Analysis Plan

Should you have any questions or require any additional information, please do not hesitate to contact me at 509-892-2585.